

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

United States Courts  
Southern District of Texas  
ENTERED

MAR 6 2003

Michael R. Milby, Clerk of Court

IN RE ENRON CORPORATION  
SECURITIES, DERIVATIVE,  
AND "ERISA" LITIGATION }

MARK NEWBY, ET AL., }

Plaintiffs }

VS. }

ENRON CORPORATION, ET AL., }

Defendants }

PRIELLI ARMSTRONG TIRE  
CORPORATION RETIREE MEDICAL  
BENEFITS TRUST, Derivatively On Behalf  
of ENRON CORPORATION, ET AL., }

Plaintiffs }

VS. }

KENNETH LAY, ET AL., }

Defendants )

PAMELA TITTLE, on behalf of herself and a  
class of persons similarly situated, ET AL., }

Plaintiffs }

VS. }

ENRON CORP., an Oregon Corporation, ET  
AL., }

Defendants }

Consolidated Civil Action Number:  
H-01-3624

ORDER

Robin Hosea has brought a motion in the above styled and numbered case, seeking to hold her attorneys in contempt of Court. She cites a variety of reasons, but in essence Mrs. Hosea

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believes that her lawyers have a conflict of interest that would prevent them from properly representing her in the class action lawsuit consolidated with *Tittle*<sup>1</sup> and that her lawyers have not properly represented her in another lawsuit appealing the denial of her long term disability benefits claim pending in the Northern District of Texas.<sup>2</sup> After Mrs. Hosea voiced, in a series of emails to her lawyers, her dissatisfaction with their representation, her attorneys have moved to withdraw from representing her in the Northern District case, and have written her a letter notifying her that they no longer represent her in the class action lawsuit. She now seeks to have them held in contempt of court.

Mrs. Hosea also seeks to represent herself and to file her motion without payment of costs. To the extent these motions are necessary to present her motion for contempt, they are granted, and Mrs. Hosea may proceed without prepayment of costs and pro se.

Mrs. Hosea has asked for a hearing on her motion for contempt, but a hearing is not necessary. The Court has reviewed her motion, her comprehensive affidavit in support of the motion, and the substantial documentation she has submitted as exhibits to her affidavit. For purposes of evaluating the motion for contempt, the Court takes all of her allegations in the affidavit as true. Even so, her allegations do not state a claim for contempt. Complaints against lawyers of

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<sup>1</sup>Mrs. Hosea is a member of the putative class on whose behalf the *Severed Enron Employees Coalition (SEEC)*, *Larence R. Jordan*, *Deborah S. DeForge*, and *Diana Peters*, on Behalf of themselves and All Others Similarly Situated, and on Behalf of the *Enron Corporation Savings Plan v. The Northern Trust Company, et al.*, lawsuit, Civil Action No. H-02-0267, was brought. This suit has been consolidated with the lead case, H-01-3913, *Tittle, et al. v. Enron Corp., et al.*

<sup>2</sup> *Robin Hosea v. The Prudential Insurance Company of America and Enron Long Term Disability Plan*, Civil No. 3:0-CV-2579-H in the United States District Court for the Northern District of Texas, Dallas Division.

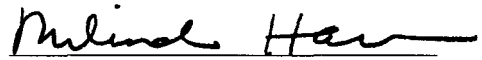
the type that Mrs. Hosea has voiced are properly brought in a separate lawsuit for malpractice or are brought to the State Bar in a grievance proceeding, or both. Accordingly, it is hereby

ORDERED that Robin Hosea's Application to Proceed Without Prepayment of Fees is GRANTED. It is further

ORDERED that Robin Hosea's Motion to Appear In Propria Persona is GRANTED. It is further

ORDERED that Robin Hosea's Motion for Contempt or Alternatively to Show Cause is hereby DENIED without prejudice.

Signed at Houston, Texas, this 5<sup>th</sup> day of March, 2003.

  
MELINDA HARMON  
UNITED STATES DISTRICT JUDGE